



U.S.S.N. 09/847,010

1652  
\$4.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Perry A. FREY and Frank J. RUZICKA

Title: DNA MOLECULES ENCODING BACTERIAL LYSINE 2,3-AMINOMUTASE

Appl. No.: 09/847,010

Filing Date: 05/01/2001

Examiner: Richard G. Hutson

Art Unit: 1652

Docket No.: 032026-0579

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.  <u>Joseph P. Meara</u> (Printed Name)  <u>Joseph P. Meara</u> (Signature)  <u>October 15, 2003</u> (Date of Deposit)
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AMENDMENT TRANSMITTAL

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

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OCT 27 2003

TECH CENTER 1600/2900

Sir:

Transmitted herewith is an amendment in the above-identified application.

[ X ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[ ] Assertion of Small Entity status is enclosed.

[ X ] The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	20	- 20	= 0	x \$18.00	= \$0.00
Independents:	5	- 3	= 2	x \$86.00	= \$172.00
First presentation of any Multiple Dependent				+ \$290.00	= \$0.00

Claims:

CLAIMS FEE TOTAL:	=	<u>\$172.00</u>
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- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	<u>\$0.00</u>
<input type="checkbox"/>	Extension for response filed within the second month:	\$420.00	<u>\$0.00</u>
<input type="checkbox"/>	Extension for response filed within the third month:	\$950.00	<u>\$0.00</u>
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,480.00	<u>\$0.00</u>
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,010.00	<u>\$0.00</u>
EXTENSION FEE TOTAL:			<u>\$0.00</u>
<input type="checkbox"/>	Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$55.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:			<u>\$172.00</u>
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		<u>\$86.00</u>
TOTAL FEE:			<u>\$86.00</u>

- ☐ Please charge Deposit Account No. 50-2350 in the amount of \$86.00. A duplicate copy of this transmittal is enclosed.

- ☒ A check in the amount of \$86.00 is enclosed.

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any

extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date October 15, 2003

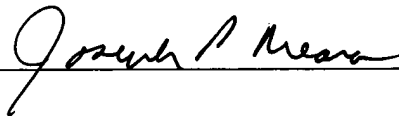
FOLEY & LARDNER

Customer Number: 23524

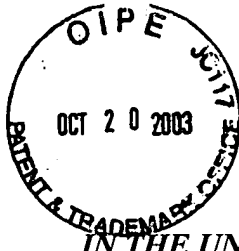
Telephone: (608) 258-4272

Facsimile: (608) 258-4258

By

A handwritten signature in cursive script, reading "Joseph P. Meara", is written over a horizontal line.

Joseph P. Meara  
Attorney for Applicant  
Registration No. 44,932



USSN 09/847,010

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**AMENDMENT AND REPLY UNDER 37 CFR § 1.111**

MAIL STOP NON-FEE AMENDMENTS

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

Dear Examiner Hutson:

This communication is responsive to the Non Final Office Action dated July 15, 2003 concerning the above-referenced patent application.

Although Applicants believe that no fee is due for this filing, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17 or credit any overpayment to Deposit Account No. 50-2350.

**Amendments to the Claims** are reflected in the listing of the claims which begins on page 2 of this document.

**Remarks** begin on page 7 of this document.